

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IVY MCFADDEN-ALBERT,

PLAINTIFF,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

DEFENDANT.

CASE NO. 1:16CV1046

JUDGE SARA LIOI

MEMORANDUM OPINION

Before the Court is the report and recommendation (“R&R”) of the Magistrate Judge in the above-entitled action. Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the fourteen-day period has elapsed and no objections have been filed. The failure to file written objections to a Magistrate Judge’s report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge’s R&R and adopts the same. Accordingly, the decision of the Commissioner is REVERSED, and this matter is REMANDED to the

Commissioner for further proceedings consistent with the R&R and this Court's Memorandum Opinion.

IT IS SO ORDERED.

Dated: July 12, 2017



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE